REMARKS

Reconsideration of this application, as amended, is requested.

Claim 1 has been amended to more particularly define the coupling member that positions the wheelchair on the top surface of the platform. A person in the wheelchair can move the wheelchair backward on the platform and position the wheelchair on the platform without being assisted by another person. The person in the wheelchair can operate the apparatus to move the wheelchair from the first location to the fourth location and retain the wheelchair in the fourth location. A person confined to a wheelchair can be independent as outside assistance is not required to use applicant's apparatus. The coupling member has front and rear portions located along the middle of the top surface of the platform. The coupling member coacts with an anchor member on the wheelchair to located the wheelchair on the platform. A first stop member mounted on the coupling member between the front and rear portions thereof is operable to allow movement of the wheelchair from the front portion toward the rear portion of the coupling member and prevent rearward movement of the wheelchair to the rear portion of the coupling member thereby positioning the wheelchair on the platform. The wheelchair is moved on the platform until it engages the stop member shown as a member 62 in Figures 1, 3, 5, 6, 8, 21, 22 and 23. The stop member prevents the wheelchair from backward movement when the wheelchair is on the platform. The platform has a plurality of holes that accommodate the fixed anchor pins that support the platform. The platform when located on the pins cannot move laterally or downwardly. The first actuator operates to move the platform downward to the fourth position into engagement with the pins and retain the platform on the pins. A second stop member prevents forward movement of the wheelchair when the platform is in the fourth location. The platform, coupling member, first and second stop members and first actuator cooperates to retain the wheelchair in a fixed location, such as the driver's position in a motor

vehicle. The platform and wheelchair on the platform when in the fourth position is prevented from movement in all directions. The headrest is mounted on the lift assembly located behind the platform. The headrest moves laterally with the platform and wheelchair. The headrest is behind the wheelchair when the platform is in the fourth position.

Claims 2, 4, and 6 depend upon Claim 1. These claims further define the lift assembly structures defined in Claim 1. Claim 2 locates the first linear actuator located within and connected to the first and second tubular members. Claim 4 defines the headrest as including a generally horizontal member connected to the first member of the lift assembly, an upright plate connected to the horizontal member and a pad mounted on the plate. *Willey et al* disclose a post 80 supporting a cross support 82 that has a head support 84 mounted thereon. *Col.3, lines 39-42, Figs. 1-4.* An upright plate supporting a pad is not disclosed by *Willey et al.*

Claims 6 and 41 define the upright pins having upper ends located in the holes in the platform and nuts threaded on the pins for supporting the platform in the pins. *Meyer* in Figure 6 shows pins 82 extended downwardly toward holes 80 in support 74. In *Meyer* there are no nuts threaded on the pins 82 that support a platform.

Claim 7, line 3 has been amended to delete the word "bolt." Claims 7 and 39 define the stop member as being operable to limit rearward movement of the wheelchair on the platform. The first stop member extends through the slot in the coupling member. As shown in Figure 1, stop member 62 extends through slot 59 in coupling member 49. The slot guides the wheelchair rearwardly on platform 32 until the anchor member on the wheelchair engages stop member 62 thereby preventing further rearward movement of the wheelchair on the platform. Applicant requests that the rejection of Claim 7 under 35 USC 112 be withdrawn.

Claims 8 and 40 further define the coupling member as having a top wall with converging inside edges providing a V-shaped mouth and a linear slot extended from the front portion

toward the rear portion of the coupling member to accommodate an anchor member attached to the wheelchair. The first stop member extends through the slot and is secured to the top wall. The anchor member contacts the first stop member thereby locating the wheelchair on the platform. Stop member 62 is adjustable along slot 59 to change the location of the wheelchair on the platform.

Claims 38 to 40 more particularly define applicant's apparatus for lifting a wheelchair as including a coupling member that positions a wheelchair on a platform for a person confined to the wheelchair without the help of other persons. The coupling member allows the wheelchair to back onto the platform to a specific location on the platform and maintain the location during transport and location to a fourth location, such as the driver's position in a motor vehicle. The platform has a top surface with a longitudinal middle portion. The coupling member is secured to the lift assembly that functions to raise and lower the coupling member, platform and wheelchair supported on the platform. A first stop member mounted on the coupling member between its front and rear portions cooperates with an anchor member on the wheelchair to stop rearward movement of the wheelchair on the platform. A second fixed stop member prevents forward movement of the wheelchair on the platform when the platform is in the fourth location. In other words, the first stop member prevents rearward movement of the wheelchair on the platform and the second stop member prevents forward movement of the wheelchair on the platform. The anchors hold and support the platform to prevent lateral and downward movements of the platform.

Claims 39 and 40 further define the coupling member included in Claim 38. The first stop member extends through a slot in the coupling member. The slot is between side edges that guide the wheelchair as it is moved onto the platform until the anchor member on the wheelchair engages the stop member thereby preventing further rearward movement of the wheelchair on the

platform.

Reconsideration of the rejection of Claims 1, 2, 4 and 6 to 9 as unpatentable under 35 USC 103 as obvious to a person skilled in the art in view of the prior art is requested.

An assessment of obviousness requires a showing that a person of ordinary skill in the art at the time of the invention with no knowledge of the claimed invention, would have had motivation to combine the teachings of one reference with those of another. *In re Leonard R. Kahn*, 441 F.3d 979, 988 (Fed. Cir. 2006). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Reconsideration of the rejection of Claims 1, 2, 5, 6 and 9 as being unpatentable over *Williams et al* in view of *Willey et al* and *Meyer* is requested.

The lift disclosed by *Williams et al* has a movable member 14 and a stationary member 16. As shown in Figure 4, the frame portions 36 of member 16 have inner sides supporting rollers 40. Movable member 14 has frame members 32 with slots or channels 42 for rollers 4-. *Col. 3, lines 40-50.* Stationary member 16 is fixed to the floor. It does not move up or down. The movable member 14 does not move up or down on stationary member 16. The platform 12 is not moved down on anchor pins and retained and supported on the anchor pins by the actuator as defined in Claim 1. The bars 38 are not anchors for platform 12.

Williams et al's lift has power lift mechanism 24 located adjacent the left side of platform 12. Applicant's claimed platform is in front of the lift assembly and includes a headrest on the first member of the lift assembly located above and rearwardly of the platform. *Williams et al* does not disclose or suggest a headrest. Mounting a headrest on lift mechanism 24 would be

non-functional as the headrest must be behind the head of a person in the wheelchair located on the platform.

Williams et al lift for a wheelchair has a platform 12 for supporting a wheelchair. Retractable safety restraining strap mechanisms 56 on the corners of the platform 12 are utilized to restrain the wheelchair and secure orientation on top the platform 12. *Col. 3, lines 35-30.* Strap mechanisms 56 do not determine the location of the wheelchair on the platform or guide the wheelchair as it moves onto the platform. There are no stop members on the strap mechanisms that engage an anchor member on the wheelchair to prevent rearward movement of the wheelchair on the platform.

In summary, *Williams et al* fails to teach or suggest (1) a headrest mounted on the lift assembly, (2) a platform having a plurality of holes to accommodate anchor pins, (3) upright fixed anchor pins (4) a coupling member mounted on the platform having a stop member for locating the wheelchair on the platform. These lift assembly structures are included in applicant's claims.

Willey et al is cited to teach the use of a headrest on a platform wheelchair support that is behind and above the wheelchair located on the support. The headrest does not have an upright plate supporting a headrest that allows vertical adjustment of the headrest.

Willey et al also does not disclose a headrest mounted on a lift assembly of an apparatus for lifting a wheelchair and moving the wheelchair laterally and downwardly with the headrest behind the wheelchair as defined in Claim 1. Platform 12 of *Williams et al* has front and rear ramps 20 and 22 to facilitate driving or rolling a personal mobility vehicle onto the platform from the front and rear of the platform. A person skilled in the art would not destroy or eliminate these ramps to mount a headrest on platform 12 in front of rear ramp 22. There is no motivation for a person skilled in the art to rearrange the lift apparatus of *Williams et al* to add a headrest to

a lift assembly as defined in Claim 1.

Meyer discloses a flat chair base 34 having downwardly directed pins 82 and a lock bolt 84 for holding base 34 on rails 72 and 74. Rails 72 and 74 have holes 80 for pins 82. *Col. 5, lines 29-43*. There is no suggestion that base 34 has holes for upright pins on rails 72 and 74. Platform 12 of *Williams et al* does not move down to engage upright fixed pins to restrain lateral and downward movements of the platform. There is no suggestion in *Williams et al* and *Meyer* to support the platform on fixed upright pins as defined in Claims 1, 8, 38 and 40.

Reconsideration of the rejection of Claims 7 and 8 as being unpatentable over *Williams et al* in view of *Willey et al, Meyer* and *Varrichio* is requested. Applicant's comments concerning *Williams et al, Willey et al* and *Meyer* are applicable to Claims 7 and 8 as they depend upon Claim 1.

Varrichio discloses a lift-assist device for a wheelchair having tracks 12 for the large wheelchair wheels. Latches 36 connected to solenoids 57 engage members 28 of the wheelchair to limit forward movement of the wheelchair when the tracks are inclined. The latches 36 are not associated with the tracks 12. The latches are not the claimed stop members for preventing forward and rearward movements of the wheelchair on the platform. The solenoid actuated latches 36 of *Varrichio* are a limited teaching of releasable latches that prevent movement of a wheelchair. The do not suggest applicant's claimed first and second stop members that prevent forward and rearward movements of the wheelchair on a platform. The claimed coupling member with a stop member is not disclosed or suggested by *Varrichio*. There is no motivation to provide the wheelchair lift of *Williams et al* with the claimed coupling member in lieu of the releasable strap mechanisms 56.

In view of the above remarks, applicant requests that Claims 1, 2, 4, 6-9 and 38 to 41 be allowed.

Respectfully submitted,

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